THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22603 of 2006

Dated:23.02.2007

Between:

D.Ramchander.

…Petitioner

and

The District Collector and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22603 of 2006

ORDER:

The petitioner is an Ex-Sarpanch of Gudlanarva Village of Bijnepally Mandal in Mahabubnagar District. The District Cooperative Officer, Mahabubnagar, submitted a report alleging that the petitioner herein misappropriated 1147.50 quintals of rice allotted for Individual Sanitary Latrines Programme in Gudlanarva Gram Panchayat. In response thereto, the first respondent issued a show cause notice dated 26.06.2006 calling upon the petitioner to show cause as to why necessary action should not be taken for recovery of the amounts. The petitioner submitted explanation denying the misappropriation of rice. The District Collector verified the record and while rejecting the explanation, concluded that an amount of Rs.9,18,000/- was misappropriated by D.Ramchander, Ex-Sarpanch and Sri D.V.R.Chary, Mandal Parishad Development Officer. Accordingly, apportioning the loss equally between the two persons, the first respondent directed the Mandal Revenue Officer, Bijinepally, to recover a sum of Rs.4,59,000/- from the Ex-Sarpanch. Aggrieved by the same, the present Writ Petition is filed.

This Court while admitting the Writ Petition suspended the impugned order for a period of four weeks. The matter is now set down before this Court for extension of interim orders. At this stage itself, the matter is heard finally and is being disposed of with the consent of the learned Counsel for both the parties.

Apart from denying the allegations, the learned Counsel for the petitioner submits that there was no proper consideration of the explanation submitted by

the petitioner nor appropriate opportunity was given to the petitioner. Refuting the contentions, learned Assistant Government Pleader for Panchayats submits that the petitioner has an effective alternative remedy under Section 264 of the Andhra Pradesh Panchayat Raj Act, 1994. This is not specifically denied.

Therefore, giving liberty to the petitioner to avail the remedy of revision under Section 264 of the Andhra Pradesh Panchayat Raj Act, the Writ Petition is disposed of. No costs.

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(V.V.S.RAO, J)

23.02.2007
vs